

Michael P. O'Bresly SBN 165512  
LAW OFFICE OF MICHAEL P. O'BRESLY  
1300 Clay Street, 11th Floor  
Oakland, California 94612  
Tel: (510) 350-8332  
Fax: (510) 255-2600

Attorney for Plaintiff  
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA,

Plaintiff,

vs.

INDEMNITY INSURANCE  
COMPANY OF NORTH AMERICA,  
DOES 1 TO 20,

Defendants.

Case No.: C 07 2721 PJH

[PROPOSED]

**ORDER GRANTING REGENTS'  
MOTION FOR ATTORNEYS FEES AND  
COSTS INCURRED AS A RESULT OF  
REMOVAL**

**Hearing Date:** September 19, 2007

**Time:** 9:00 a.m.

**Courtroom:** 3

**Assigned to the Honorable Phyllis J.  
Hamilton**

The Regents of the University of California successfully moved this Court for an order remanding this matter to State Court, which was granted on August 3, 2007. The Regents now request an Order for an award of its fees and costs incurred as a result of the removal under 28 U.S.C. § 1447(c). *See Moore v. Permanente Medical Group Inc.* (9<sup>th</sup> Cir. 1992) 981 F.2d 443.

Having reviewed the motion and the pleadings on the underlying motion to remand, the court finds that Indemnity lacked an objectively reasonable basis for removing this matter from

[PROPOSED] ORDER GRANTING REGENTS' MOTION FOR ATTORNEYS FEES AND COSTS INCURRED  
ON REMOVAL OF MATTER

Regents v. Indemnity Insurance Company, USDC N. D. Cal. C 07-02721 PJH

Page 1 of 2

1 the state court on the basis of diversity of citizenship. *Martin v. Franklin Capital Corp.* (2005)  
2 546 U.S. 132. The Court has also been presented with a Declaration demonstrating the attorneys  
3 and fees and costs incurred by the Regents as a result of this removal.

4 The Court hereby orders that Indemnity shall reimburse Regents its attorney's fees and  
5 costs in the amount of \$ 5,155.90.

6 IT IS SO ORDERED.

7  
8 

---

The Honorable Phyllis J. Hamilton  
Judge, United States District Court  
9  
10  
11

12 CERTIFICATE OF SERVICE

13 I, Michael P. O'Bresly, certify that on the 20th day of August, 2007, I caused to be  
14 transmitted to counsel of record for Indemnity Insurance Company a true copy of the foregoing  
15 document via e-mail.

16 /s/ Michael P. O'Bresly

17 Michael P. O'Bresly  
18  
19  
20  
21  
22  
23  
24  
25